



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
P.O. DRAWER 900, BIG STONE GAP, VA 24219
TELEPHONE: (276) 523-8198

CESSATION ORDER

COMPANY NAME	PERMIT NUMBER	CESSATION ORDER NUMBER

TYPE OF CESSATION ORDER

PERMITTEE NAME, ADDRESS, PHONE	CONTRACTOR NAME, ADDRESS, PHONE

INSPECTION DATE	INSPECTION REPORT NUMBER	VIOLATION DATE	TOTAL VIOLATIONS	COUNTY

PERSON SERVED WITH CESSATION ORDER	DATE/TIME OF SERVICE	TYPE OF SERVICE	CERTIFIED MAIL NUMBER OR SIGNATURE

INSPECTOR/SUPERVISOR	SIGNATURE	

CESSATION ORDER SUMMARY		
VIOLATION NUMBER	PERFORMANCE STANDARD CODE	ABATEMENT DATE



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CESSATION ORDER

1. Authority

Under the authority of the **Virginia Coal Surface Mining Control and Reclamation Act of 1979** (hereafter referred to as the "Act": Chapter 19, Title 45.1 of the **Code of Virginia**), as amended, this authorized representative of the Director of the Department of Mines, Minerals and Energy has conducted an inspection on the mine on this date and has found that a Cessation Order must be issued with respect to each of the conditions, practices, or violations listed herein. **This form constitutes a separate Cessation Order for each condition, practice, or violation listed.** Each Cessation Order must be abated within the designated abatement time. You are responsible for doing work in a safe and workmanlike manner. This Order shall remain in effect until it expires as provided by 4 VAC 25-130-843.15(a) of the **Virginia Coal Surface Mining Reclamation Regulations** or is modified, terminated, or vacated by written Notice of an authorized representative of the Director. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

2. Formal Review and Temporary Relief (Section 45.1-249 of the Act)

You may apply for a formal public hearing pursuant to Section 45.1-249 of the Act and 4 VAC 25-130-843.16 of the regulations to review this Order by submitting a written request for administrative review, within 30 days of receipt of this Order by you or your agent, to:

Hearings Coordinator
Division of Mined Land Reclamation
P. O. Drawer 900
Big Stone Gap, Virginia 24219

If you apply for a formal public hearing, you may request temporary relief from this Order pursuant to Section 45.1-249(C) of the Act. Your written request must be filed with the Hearings Coordinator prior to the issuance of the final formal hearing decision.

3. Informal Review

You may, pursuant to 4 VAC 25-130-843.15 of the regulations, request in writing within 15 days from your receipt of this Order an informal public hearing to review the issuance of the Order. The request must be submitted to the Hearings Coordinator at the aforementioned address. If an informal public hearing is requested, the hearing would be held at or near the minesite. The Hearings Coordinator will inform you by letter as to the date, time, and location of the informal hearing.

4. Civil Penalties (Section 45.1-246 of the Act)

You may submit written information under 4 VAC 25-130-845.17(a) of the regulations to the Division's Assessment Officer (at the above address) concerning the condition(s) or violation(s) covered by this Order (within 15 days from your receipt of this Order) which you believe should be considered in determining the facts and potential amount of civil penalty for each violation. The written information should also be submitted to the Inspector or authorized representative who issued this Order.

For each violation covered by this Order, a civil penalty of up to \$5,000 may be assessed for each day that the violation continues. If this is a Cessation Order for failure to abate a previously issued Notice of Violation, a minimum civil penalty of \$750 per violation will be assessed for each day that you fail to comply with this Order, not to exceed 30 days. This Order requires you to cease any and all coal surface mining operations, as described herein, on that portion of the permit associated with the particular violation(s). If you fail to comply with requirements of this Order, you may be subject to alternate enforcement action including permit suspension/revocation or forfeiture of performance bond.

5. Effect on Permit

If it is determined that a pattern of violations of any requirement(s) of the Act, regulations, or permit condition(s) exists, and that the violations were caused by unwarranted failure to comply or were willful, the permit may be suspended or revoked pursuant to Section 45.1-245C of the Act.

For Further Information, please consult Chapter 19, Title 45.1 of the **Code of Virginia** (Sections 45.1-245, 45.1-246, and 45.1-249), the **Virginia Coal Surface Mining Reclamation Regulations** (Part 4 VAC 25-130-843 and 4 VAC 25-130-845), or contact the Division of Mined Land Reclamation's office.